

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Revision Petition- Revision Petition filed by Smt.Alluri Sailaja, W/o Siva Varma R/o Rachagummadam(V), Merakamudidam Mandal, Vizianagaram District against the orders of Joint Collector, Vizianagaram and the Commissioner of Appeals, Office of the CCLA., Hyderabad - Case heard - Orders – Issued.

REVENUE (ASSIGNMENTS. I) DEPARTMENT

G.O.Ms.No.969

Dated: 15.09.2009
Read the following:-

1. Revision Petition filed by Smt.Alluri Sailaja, W/o Siva Varma R/o Rachagummadam(V), Merakamudidam mandal, Vizianagaram District dated 29-12-2003.
2. Govt.Memo.No.691/Assn.I(2)/2004-1, dated 12.01.2004.
3. From the Collector,Vizianagaram Lr.Rc.No.215/2004/E2, dt. 01.04.2004.
4. Govt.Memo.No.691/Assn.I/2/2004-3 ,dated 18.01.2005.

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ORDER :

In the reference 1st read above, Smt. Alluri Sailaja, W/o Siva Varma R/o Rachagummadam(V), Merakamudidam Mandal, Vizianagaram District has filed the Revision Petition before the Government against the orders of Joint Collector, Vizianagaram in Proceedings Rc.No.1167/2000, dt.17.03.2001 and the Commissioner of Appeals, Office of the CCLA, Hyderabad.

The District Collector,Vizianagaram was requested to submit the parawise remarks with relevant records to Government vide Govt. Memo 2nd read above.

In the reference 3rd read above, the District Collector, Vizianagaram has reported that Smt.Alluri Sailaja, W/o Sri Siva Varma of Rachagummadam village was assigned Government land measuring Ac.3.56 cents in Sy.No.216/4 of Rachagummadam village during the year 1989 without ayan conversion and sub divisions work. Later after scrutiny of S.D. Records, revised patta was granted during the fasli year 1404 by the then M.R.O., Merakamudidam. During the course of physical verification of assigned lands taken up during 1999, it was found that the assignment was made to ineligible person, who is the wife of landed rich person. The petitioner's husband Sri Alluri Sivavarma is the only son to his parents namely Sri Alluri Narayana Raju and Smt. Appalanarasamma. The Father-in-law, Mother-in-law and the Husband of the assignee possessed the Zeroity lands in Rachagummadam village as shown below:

Sl.No.	Name of the land owner	Classification of the land			
		Dry		Wet	
		Ac.	Cts.	Ac.	Cts.
1.	Alluri Appalanarasamma, W/o Narayanaraju (Mother-in-law)	2.44		0.46	
2.	A.Narayanaraju, S/o Subbaraju (father-in-law)	1.21		-	
3.	A. Sivavarma, S/o Narayanaraju (husband)	2.13		1.09	

The Collector, Vizianagaram has also reported that in addition to the above, the husband of the assignee was appointed and working as teacher since 1990. It appears that she managed to obtain Government land in her favour. After scrupulous verification of connected records and after giving adequate opportunity of the petitioner, orders were issued for cancellation of irregular assignment made in her favour vide Collector, Vizianagaram Proceedings Rc.No.1453/99/B3, dated 22.9.99.

Aggrieved by these orders, she filed a revision petition before the Commissioner (Appeals), Hyderabad. The Commissioner (Appeals), Hyderabad has remanded the case to the Joint Collector, Vizianagaram for re-examination in his Proceedings Rc.No.BCW5/847/99, dated 1.2.2000. Accordingly, the case

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was taken up on 22.5.2000. By perusing the connected material papers and after hearing arguments of the Advocate for the Revision Petitioner, it appears as it is a clear case, where the assignment was made irregularly in favour of the Revision Petitioner.

The records reveal that the Revision Petitioner in-laws and the husband of the assignee possessed the Zeroity lands around Ac.5.78 cents dry and Ac.1.54 cents wet. On conversion into dry the total holding comes to Ac.8.86 cents. The husband of the appellant is the only son of Sri A. Narayana Raju, father-in-law of the revision petitioner. Hence he has the right over half of the share of the lands by her in-laws. Keeping in view of the said facts, again orders were issued for cancellation of assignment made in favour of Smt. A.Sailaja, W/o Siva Varma by the Joint Collector, Vizianagaram in Proceedings No.1167/2000/E2, dated 17.3.2001.

Aggrieved by these orders, the petitioner has filed an R.P. before the Commissioner (Appeals), Hyderabad. After going through all the available records, the Commissioner (Appeals) in his proceedings No.BCW5/327/01, dated 15.9.2003 has confirmed the orders of Joint Collector, Vizianagaram. Aggrieved by these orders, the petitioner has filed an R.P. before the Government.

Government have examined the entire matter and made the following observations :-

Case called for hearing at 3.00 PM on 28.01.2005.

Advocate for the petitioner, and the M.R.O., Merakamudidam, Vizianagaram have attended. After perusing the records,, and contentions of the Advocate for the petitioner, it was observed that the petitioner is house-wife of Sri Alluri Siva Varma and as a family, she is also a share-holder of the landed property possessed by her in laws as well as her husband and she has obtained D-Farm patta by mis-representing the facts to the authorities as per B.S.O.-15/18. It is further observed that the husband of the petitioner is landed rich, her father-in-law is also retired employee, her husband is only son to her father-in-law. The petitioner has hidden the facts of the land details and obtained D-Farm patta by misrepresenting the authorities. According to Hindu Family Act, the Daughter-in-law of the family is also entitled for the share of property held by her husband by way of ancestral property. The records and reports revealed that the husband of the petitioner also possessed lands in his name. Having landed property, obtaining D-Farm patta by misrepresenting the facts is capricious. In the instant case, the husband of the petitioner is the only son to his parents and all were residing jointly at the time of assignment. The husband of the petitioner also possessed lands as per Revenue Records.

Hence the petitioner is not eligible for obtaining D-Farm patta as she is not a landless poor person on the date of assignment. Hence the contention of the Learned Counsel for the Petitioner that her client is not having any landed property at the time of assignment is not tenable.

The Revision Petition is accordingly dismissed.”

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To

Smt. Alluri Sailaja, W/o Siva Varma

R/o Rachagummadam(V), Merakamudidam mandal,
Vizianagaram District

The District Collector, Vizianagaram.

Copy to the P.S. to Minister for Revenue

Copy to the PS to Secy. to Govt. Revenue Department.

Copy to Stock-file.

//FORWARDED::BY ORDER//

SECTION OFFICER